

SENATE BILL 2595

By Yager

AN ACT to amend Chapter 327 of the Acts of 1903; as amended by Chapter 289 of the Private Acts of 1980; and any other acts amendatory thereto, relative to the charter for the City of Rockwood

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 327 of the Acts of 1903, as amended and rewritten by Chapter 289 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Article III, Section 4, in its entirety and by substituting instead the following:

Section 4. Time, Place, and Manner for Holding Elections. Beginning with the regular November election to be held in November 2014, and bi-annually thereafter, the Mayor and Councilpersons shall be elected by the qualified voters of said city, at an election held bi-annually on the date of the general state election, held on the first Tuesday after the first Monday in Tennessee of even-numbered years in accordance with the general election laws of the State of Tennessee. Candidates shall be listed on the ballots without indication of their party affiliations. The term of office for Mayor and all Councilpersons elected in June 2009 shall be extended to December 1, 2014, to expire at 12:00 noon. Likewise, the term of office for all Councilpersons elected in June 2011 shall be extended to December 1, 2016, to expire at 12:00 noon. In each and every regular City elected thereafter, the seats then becoming vacant shall be filled by persons elected for terms of four (4) years. The Mayor and Councilpersons shall serve during their terms of office, or until their successors are elected and qualified. In the event of failure to elect because of a tie in the votes cast, the Commissioner of Elections shall immediately call a run-off election.

SECTION 2. Chapter 327 of the Acts of 1903, as amended and rewritten by Chapter 289 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Article III, Section 6, in its entirety and by substituting instead the following:

Section 6. Recall Elections. Subject to the provisions of Section 9 of this article, elections for the removal by recall of officers shall be held not less than ninety (90) days from the receipt by the Commissioners of Elections of a petition signed by at least fifteen percent (15%) of the registered voters of the City demanding recall. A separate petition shall be required for each officer sought to be recalled, and shall name the officer and contain a general statement of the grounds upon which the recall is sought. Each petitioner shall state after his/her signature his/her address and the date of signing. Signatures may be on separate sheets, but each sheet shall contain the affidavit of the person obtaining the signatures, who must be a registered voter of the City, that to the best of his/her knowledge and belief, each signer is a registered voter of the City, and that each person signed his/her own name in the presence of the affiant and on the date stated after the signature. The petition must be filed within seventy-five (75) days after the Commissioner of Elections certifies the petition to be improper form in accordance with Tennessee Code Annotated § 2-5-151(c). The Commissioner of Elections shall determine the sufficiency of the petition within thirty (30) days of filing the completed petition. If the petition is found sufficient, the officer named in it shall be given notice immediately by registered or certified mail that a recall petition naming such officer has been filed and found sufficient and the date of the election. Resignation of an officer shall terminate recall proceedings against such officer, but no resignation shall be effective if made less than fifteen (15) days preceding the date fixed for the election. Recall elections to be held pursuant to petitions filed within ninety (90) days of a regular city election, a general state election or any other election in which the registered voters of the City shall be entitled to vote shall be held at that election. Recall elections shall not be held more than once in any calendar year.

SECTION 3. Chapter 327 of the Acts of 1903, as amended and rewritten by Chapter 289 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Article IV, Section 2, in its entirety and by substituting instead the following:

Section 2. Term of Office, Oath, Compensation. The Mayor and Councilmen shall take office at 12:00 noon, December 1, following their election unless that date falls on Sunday, in which event they shall take office at 12:00 noon, December 2. The term of the Mayor shall be four (4) years. The term of Councilperson shall also be four (4) years. The mayoral and three (3) council positions shall be filled during one (1) election. Two (2) years later, an election shall be held to fill the remaining three (3) council positions.

In the 1969 regular city election, the first, second and third place candidates for Council in the number of votes received shall be elected to four (4) year terms, and fourth, fifth, and sixth place candidates shall be elected to two (2) year terms. Thereafter, all successors to Councilpersons whose terms expire shall be elected to four (4) year terms.

In the event of a tie vote between two (2) or more persons having the highest number of votes for the office of Mayor or for Councilperson, the City Council may cast the deciding vote, or in the alternative, the City Council may by resolution call for a run-off election between the tied candidates.

The Mayor and Councilmen shall serve during their term of office and until their successors are elected and qualified. Before entering upon the duties of their offices, the Mayor and Councilmen shall take oath before any officer authorized to administer oaths to discharge honestly and faithfully the duties of their respective offices. The Mayor who takes office on December 1, 2014, and each Mayor who takes office thereafter, shall be paid one hundred fifty dollars (\$150.00) monthly, and shall receive no other compensation for service as Mayor. The Councilpersons who take office on December 1, 2014, and all Councilpersons who take office thereafter, including, but not limited to the Councilpersons who take office on December 1, 2016, shall be paid the

sum of one hundred dollars (\$100.00) monthly, and they shall receive no other compensation in any form for their service.

SECTION 4. Chapter 327 of the Acts of 1903, as amended and rewritten by Chapter 289 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Article IV, Section 3, in its entirety and by substituting instead the following:

Section 3. Vacancies. The office of Mayor or Councilman shall become vacant upon the office holder's death, resignation, removal of residence from the City, or removal from office in any manner authorized by law or forfeiture of office. Vacancies shall be filled until the next regular city election by affirmative vote of a majority of the remaining members, and any unexpired term beyond the next regular election shall be filled by the voters. In the filling of vacancies, the Mayor shall have a vote. A Councilperson may be appointed to fill a vacancy in the office of Mayor by a majority vote of the other Council Members voting. No Councilperson shall vote for his or her own appointment to fill such a vacancy. An abstention shall be considered a non-vote, neither for nor against the matter under consideration.

SECTION 5. Chapter 327 of the Acts of 1903, as amended and rewritten by Chapter 289 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Article V, Section 1, in its entirety and by substituting instead the following:

Section 1. Exercise of Powers, Meetings, Procedure. The exercise of all powers granted in this charter or by general law is vested in the Mayor and City Council, except as otherwise specifically provided. The Council shall speak solely through its minutes or journal entries which shall be kept in a bound book and authenticated by the presiding officer and the Recorder. The Council shall, by ordinance, fix the time and place of regular council meetings. Until changed by ordinance, regular meetings shall be on the fourth Monday of each month at 6:00 P.M. at the City Hall. Special meetings may be called by the Mayor or by at least two (2) Councilmembers on forty-eight (48) hours' notice, or shorter in case of emergency, and notice must be served personal on the other members of the Council by the Mayor, a Council Member, or a police officer. The notice shall indicate in a general way the business to be considered, and any

business not embraced in the emergency notice shall not be considered unless the Mayor and all Councilmembers are present. A copy of the notice shall be made available to the news media.

The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor and Vice-Mayor, the Council members constituting a quorum may designate one of their numbers to act as presiding officer. Except as provided in Article IV, Section 3, four (4) members of the Council, the Mayor being a member thereof, shall constitute a quorum. An affirmative vote of a majority of the votes being cast shall be required for the passage of any ordinance, resolution, or motion, even if an equal or greater number of the quorum present refuses to vote or fails to vote. An abstention shall be considered a non-vote, neither for nor against the matter at issue. The Mayor shall have a vote on all matters, but no veto power. The Council may by ordinance or resolution establish its own rules of procedure not inconsistent with this charter, and may punish by fine not to exceed fifty dollars (\$50.00) any person who shall be guilty of disorderly conduct at any meeting of the Council. All meetings of the Council shall be open to the public.

SECTION 6. Chapter 327 of the Acts of 1903, as amended and rewritten by Chapter 289 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Article VI, Section 2, in its entirety and by substituting instead the following:

Section 2. Duties of the Mayor -- Vice Mayor. The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the Mayor's office as may be imposed by it, and the Mayor shall have a seat, a voice, and a vote on all ordinances, resolutions, motions, and matters coming before the City Council. The Mayor shall sign the journal of the Council, and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the City. The Mayor may introduce ordinances and resolutions in the City Council. The Mayor shall have the power, and it is hereby made the Mayor's duty to perform all acts that may be required of the Mayor by any ordinance duly enacted by the City Council not in conflict with any of the provisions of this charter. The Mayor shall receive all legal process against the City and it shall be the Mayor's duty forthwith to transport the process to City Council and the

City Attorney. The Mayor shall serve as an ex-officio member of all Boards, Commissions, and Committees.

The Vice-Mayor shall assume the duties of the Mayor when the Mayor is absent from the City or temporarily incapacitated. Should a permanent vacancy occur in the office of the Mayor, the Vice Mayor shall assume the duties of the Mayor until the City Council elects a new Mayor.

At the first meeting of the City Council after their installation as Council Members, Council shall choose a Vice Mayor from the Council Members remaining on Council from the city election held two (2) years previously. The term of Vice Mayor shall be for two (2) years.

SECTION 7. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Rockwood. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.